

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 05-10210-RGS

THOMAS BURKE

**JUDGMENT AND COMMITMENT ORDER ON VIOLATIONS
OF CONDITIONS OF SUPERVISED RELEASE**

STEARNS, DJ.

NOVEMBER 15, 2005

THE ABOVE-NAMED DEFENDANT APPEARED BEFORE THIS COURT ON NOVEMBER 7, 2005 FOR A HEARING ON VIOLATIONS OF HIS CONDITIONS OF SUPERVISED RELEASE. THE DEFENDANT WAS REPRESENTED BY ATTORNEY JAMES BUDREAU. THE GOVERNMENT WAS REPRESENTED BY ASSISTANT UNITED STATES ATTORNEY TIMOTHY FEELEY, AND THE PROBATION DEPARTMENT WAS REPRESENTED BY U. S. PROBATION OFFICER LISA PAIVA. THE DEFENDANT WAS INFORMED OF HIS RIGHT TO AN EVIDENTIARY HEARING BY THE COURT, AND THE DEFENDANT STIPULATED TO ALL FOUR VIOLATIONS CONTAINED IN THE PETITION. THIS COURT FOUND THAT THE DEFENDANT DID COMMIT SAID VIOLATIONS, AND PROCEEDED TO SENTENCE THE DEFENDANT AS FOLLOWS:

ORDER

**THE DEFENDANT'S PRESENT TERM OF SUPERVISED RELEASE IS
HEREBY REVOKED:**

THE DEFENDANT, THOMAS BURKE, IS HEREBY COMMITTED TO THE CUSTODY OF THE U. S. BUREAU OF PRISONS FOR A PERIOD OF ONE (1) DAY TO BE SERVED, WHICH IS DEEMED TO HAVE ALREADY BEEN SERVED, AND THE DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A PERIOD OF EIGHTEEN (18) MONTHS, WITH THE FOLLOWING SPECIAL CONDITIONS:

- 1. The defendant shall not commit another Federal, State or local crime;**
- 2. The defendant shall refrain from any unlawful use of a controlled substance, and shall submit to one drug test within 15 days of commencement of Supervised Release, and at least two periodic drug tests thereafter not to exceed 104 drug tests per year, as directed by the U. S. Probation Officer;**
- 3. The defendant shall not purchase or possess a firearm or any other dangerous weapon;**
- 4. The defendant shall participate in a substance abuse program as directed by the U. S. Probation Officer, which program may include random drug testing, not to exceed 104 drug tests per year, to determine whether or not the defendant has reverted to the use of drugs or alcohol. The defendant shall be required to pay for the costs of such services based on the ability to pay or availability of third-party payment;**
- 5. The defendant shall participate in, and successfully complete, an inpatient drug treatment program as directed by the U. S. Probation Officer;**
- 6. The defendant shall not consume any alcoholic beverages while on Supervised Release;**
- 7. The defendant shall cooperate in the collection of a DNA sample as directed by the U. S. Probation Officer.**

SO ORDERED.



RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE